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1993 BIENNIAL LEGISLATIVE REPORT  
ENVIRONMENTAL QUALITY PROTECTION FUND

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DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES  
SUPERFUND SECTION

DECEMBER 1992

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1993 BIENNIAL LEGISLATIVE REPORT  
ENVIRONMENTAL QUALITY PROTECTION FUND

**BACKGROUND**

The 1985 Legislature passed the Environmental Quality Protection Fund Act that established the Environmental Quality Protection Fund (EQPF). The 1989 Legislature amended the Environmental Quality Protection Fund Act, changing its name to the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA). CECRA (§75-10-704(7)) requires the Montana Department of Health and Environmental Sciences (DHES) to prepare a biennial report on the EQPF to the Legislature.

The EQPF is a revolving fund in which all penalties and costs recovered pursuant to CECRA are deposited. Beginning in FY90 four percent of the interest from the Resource Indemnity Trust (RIT) Fund is also deposited in the EQPF pursuant to §15-38-202 MCA. This provides the base operational funding for the CECRA Program. The 1989 Legislature established a one million dollar spending authority for the EQPF. Pursuant to §75-10-704 of CECRA, the EQPF can be used only to fund activities relating to the release of hazardous or deleterious substances.

**FINANCIAL SUMMARY**

Tables 1 and 2 summarize EQPF revenue and expenditures for FY90, FY91, FY92, and FY93 through November 30, 1992. The total of revenue through November 30, 1992 is \$4,383,733.32. The total of expenditures through November 30, 1992 is \$2,820,401.61. The attached bar graph (p.7) presents revenue vs. expenditures for these years. The EQPF has a cash balance of \$1,563,331.71 as of November 30, 1992. This balance does not reflect projected costs for the remainder of FY93, including \$163,000 currently encumbered by contract. In FY93 the CECRA Program expanded its staff from 4.25 FTE to 8.25 FTE using EQPF funding. The increase will allow the CECRA Program to address high priority sites threatening public health and the environment that were previously not being addressed. The number of sites continues to grow, thereby increasing the need for personnel to direct remedial actions and the need for use of the EQPF. Costs can be recovered on sites where solvent liable parties exist, which is the majority of sites. Seventy percent of costs can be recovered based on past expenditures, as shown in the attached bar graph (p.8).



# Environmental Quality Protection Fund

## REVENUE - 7/89 TO 12/92, Page 1

<u>SOURCE OF REVENUE</u>	<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93<sup>1</sup></u>	<u>TOTAL</u>
Cost recovery for DHES oversight costs at NPL sites	990,000.00				990,000.00
Settlement costs from BN pursuant to Livingston Consent Decree	250,000.00	500,000.00	250,000.00		1,000,000.00
Cost recovery from MRL for DHES oversight costs at Helena train wreck site	17,334.76				17,334.76
Cost recovery from ARCO for DHES oversight costs at Montana Pole		23,000.00			23,000.00
Settlement costs and cost recovery from Miners Bank for Montana Pole site		10,000.00			10,000.00
4 % of R/T interest (CECRA) and interest on 4 %					
Cost recovery from BN for DHES oversight costs at Whitefish Lake	298,813.05	404,468.42	376,996.67	113,811.03	1,194,089.17
Cost recovery from ARCO for DHES oversight costs at Rocker site	4,152.27				86,869.33
Advance payment and cost recovery from DOD for cleanup of Wiremill Road site	250,417.72	9,201.58			4,152.27
Cost recovery from ARCO for DHES oversight costs at Clark Fork Basin sites	6,996.94	30,086.72			259,619.30
Cost recovery from BN for DHES oversight costs at Livingston site	188,239.56	151,171.72	87,099.80		37,083.66
Cost recovery from Texaco for DHES oversight costs at Sunburst site	12,513.00	35,939.85	28,439.47	1,158.72	426,511.08
Cost recovery from Flying J and InterCity Gas for costs at Big West Oil	66,002.00		767.66	139.73	78,051.04
					66,909.39





# Environmental Quality Protection Fund

## REVENUE - 7/89 TO 12/92, Page 2

<u>SOURCE OF REVENUE</u>	<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93<sup>1</sup></u>	<u>TOTAL</u>
Cost recovery from CUT on Molheron Creek tank leak			830.00		830.00
Cost recovery from MPC for DHES oversight costs at MPC yard			41,883.80	11.42	41,895.22
Cost recovery from MPC for DHES oversight costs at Wilsall				21,246.10	21,246.10
Cost recovery from ASARCO and ARCO for DHES oversight costs at Upper Blackfoot			34,047.29	3,653.53	37,700.82
Cost recovery from BN for DHES oversight costs at Falls Chemical			2,882.86	206.17	3,089.03
Cost recovery from landowner for DHES oversight costs at Nellie Grant				1,216.08	1,216.08
*Cost recovery from BN for DHES oversight costs at BN Mission Wye					0.00
*Cost recovery from BN for DHES oversight costs at BN railroad fuel sites					0.00
Cost recovery from American Stores for DHES oversight costs at Bozeman Solvent Site			29,198.79		29,198.79
*Cost recovery from MRL for DHES oversight costs at Livingston Rebuild Center					0.00
Cost recovery from HUD for DHES oversight costs at Precious Metals			15,500.11	396.28	15,896.39
Cost recovery from Mountain States Petroleum for DHES oversight costs at Comet Oil Refinery			9,697.42	44.09	9,741.51
Cost recovery from Champion for DHES oversight costs at Hart Oil Refinery			1,870.60	68.40	1,939.00



Environmental Quality Protection Fund  
REVENUE - 7/89 TO 12/92, Page 3

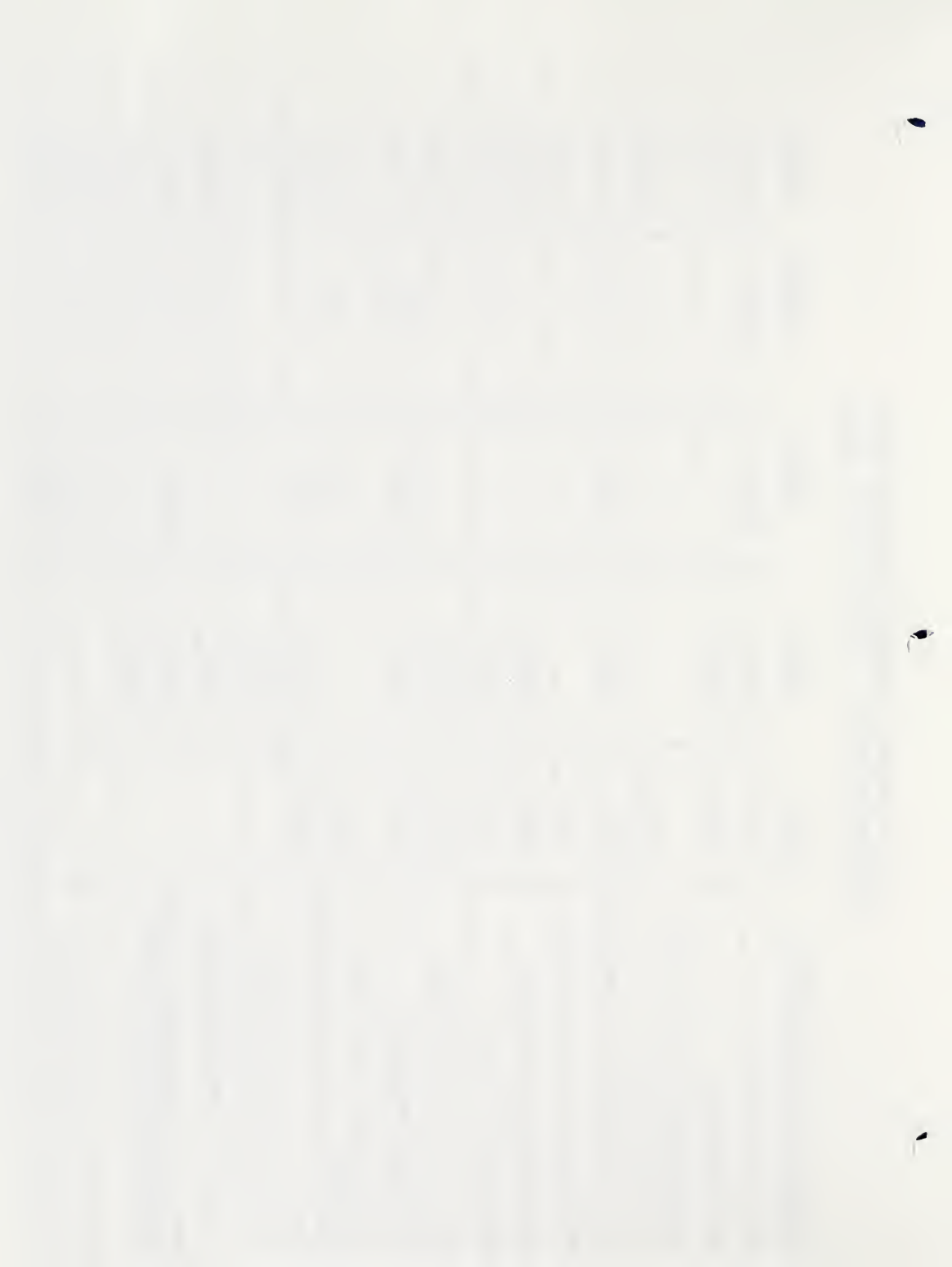
<u>SOURCE OF REVENUE</u>	<u>FY90</u>	<u>FY91</u>	<u>FY92</u>	<u>FY93<sup>1</sup></u>	<u>TOTAL</u>
Cost recovery from CMC for DHES oversight costs at Bozeman Asbestos Site			6,976.66	64.24	7,040.90
Cost recovery from CMC for DHES oversight costs at Gallatin Gateway			1,365.97	3.98	1,369.95
Cost recovery from MRL for DHES oversight costs at MRL Asbestos				3,317.75	3,317.75
Cost recovery from Exxon for DHES oversight at Bohrmann's Exxon				3,738.60	3,738.60
Cost recovery from MRL for DHES oversight costs at Clyde Park Asbestos site				259.05	259.05
Cost recovery from NIH for DHES oversight costs at Bitterroot Valley Sanitary Landfill				6,017.46	6,017.46
Cost recovery from Union Pacific for DHES oversight costs at UP railroad site - Lima				1,239.06	1,239.06
Cost recovery from landowner for DHES oversight costs at Petroleum Refinery in Shelby				1,856.67	1,856.67
Cost recovery from landowner for DHES oversight costs at Libby Mine Barrel site				2,520.94	2,520.94
<b>TOTALS:</b>	<b>2,084,469.30</b>	<b>1,163,868.29</b>	<b>974,426.43</b>	<b>160,969.30</b>	<b>4,383,733.32</b>

\* Costs have been billed and revenue is anticipated



# Environmental Quality Protection Fund EXPENDITURES - 7/89 TO 12/92, Page 1

<u>SOURCE OF EXPENDITURE</u>	<u>FY90 *1</u>	<u>FY91 *1</u>	<u>FY92 *1</u>	<u>FY93 *2</u>	<u>TOTAL</u>
SHWB, CECRA Program 4 %	171,001.16	254,247.63	297,847.99	86,679.07	809,775.85
OHB, Asbestos Program	47,890.94	28,388.52			76,279.46
Cogswell and Eggleston, private legal services for BN Livingston and other sites	500,000.00				500,000.00
WQB, costs for emergency action at Whitefish Lake	84,876.02	1,864.19	4,331.30		91,071.51
SHWB, oversight costs for Rucker removal action	4,152.27				4,152.27
SHWB, cleanup costs for Wiremill Road	234,002.31	15,849.09			249,851.40
SHWB, costs for ARCO oversight	15,121.26	21,585.57			36,706.83
SHWB, costs for BN Livingston oversight	50,812.86	196,246.60			247,059.46
SHWB, costs for Texaco oversight	13,525.00	13,319.61	24,613.78	85.70	51,544.09
SHWB, costs for Big West Oil investigation and oversight	75,600.00		8.89	17.55	75,626.44
OHB, costs for asbestos cleanup at Old Deer Lodge Prison	56,790.51	2,123.48	13.43		58,927.42
SHWB, costs for BN Mission Wye oversight		4,140.27			4,140.27
WQB, costs for BN Fueling Facilities oversight		10,270.72			10,270.72
SHWB, costs for Pb cleanup at ARRO Oil Refinery		62,131.01	166,276.71	4,417.38	232,825.10
Anderson Law Firm, Edwards Law Firm, private legal services for CUT Tank Leak site		194,197.26			194,197.26
WQB, costs for oversight at Bozeman Solvent site			24,116.03	19,412.84	43,528.87
SHWB, costs for oversight at MPC Butte yard			9,841.41		9,841.41



Environmental Quality Protection Fund  
EXPENDITURES - 7/89 TO 12/92, Page 2

<u>SOURCE OF EXPENDITURE</u>	<u>FY90 *1</u>	<u>FY91 *1</u>	<u>FY92 *1</u>	<u>FY93 *2</u>	<u>TOTAL</u>
SHWB, costs for oversight for Wilsall PCB			17,705.36	2,076.99	19,782.35
SHWB, costs for oversight at Upper Blackfoot site		837.21	41,132.86	19,797.80	61,767.87
SHWB, costs for oversight at Livingston Rebuild Center			656.00	1,269.79	1,925.79
SHWB, costs for oversight at Precious Metals			5,803.52	3,234.56	9,038.08
SHWB, costs for oversight at Falls Chemical			3,100.08	751.32	3,851.40
SHWB, costs for CECRA Program expansion			6,368.15	14,341.65	20,709.80
SHWB, costs for negotiations with Miners Bank			3,721.76	3,368.14	7,089.90
SHWB, costs for oversight at Nellie Grant				314.40	314.40
SHWB, costs for oversight at 3rd St. NW				65.04	65.04
SHWB, costs for oversight at Davis Post & Pole				36.47	36.47
SHWB, costs for oversight at Billings Grain Terminal				14.23	14.23
SHWB, costs for oversight at Strunk Mining				7.92	7.92
<b>TOTALS:</b>	<b>1,253,772.33</b>	<b>805,201.16</b>	<b>605,537.27</b>	<b>155,890.85</b>	<b>2,820,401.61</b>

\*1 Includes prior year adjustments

\*2 Does not include encumbered funds; expenditures through 11/30/92

SHWB - Solid and Hazardous Waste Bureau

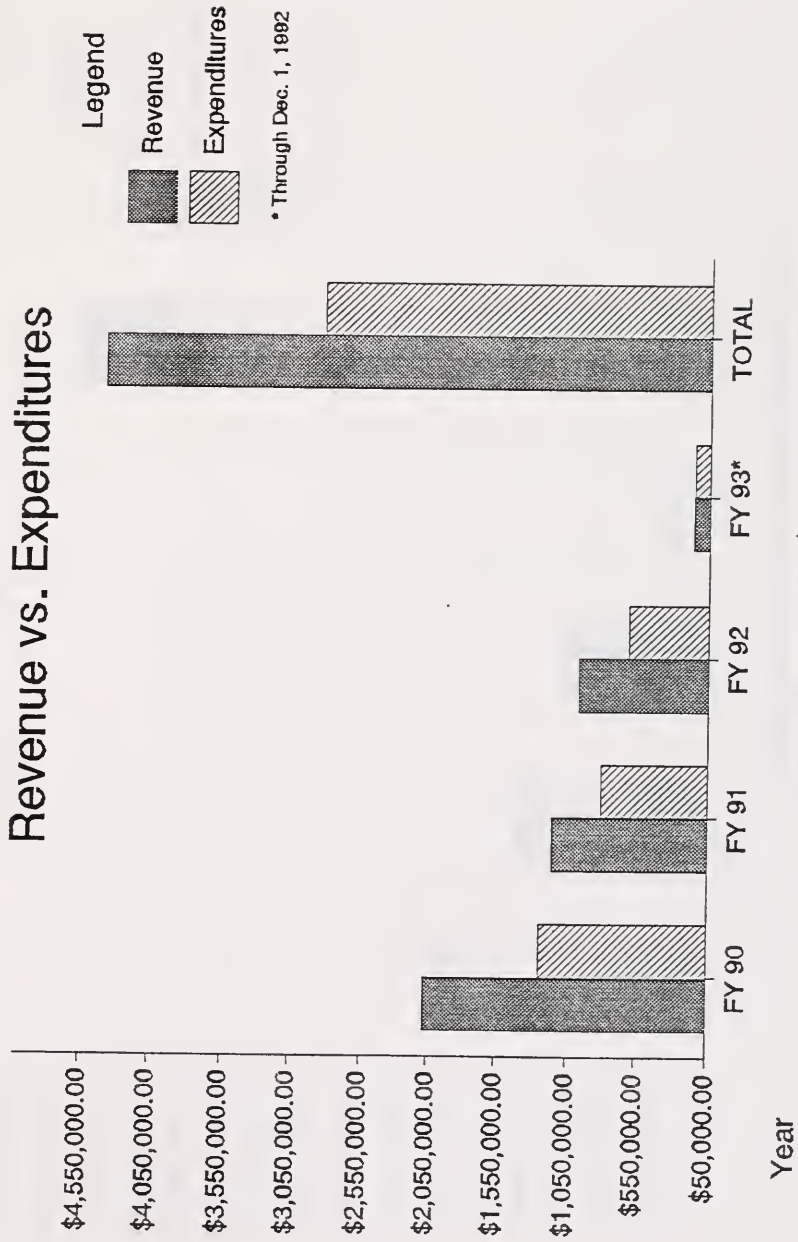
WQB - Water Quality Bureau

OHB - Occupational Health Bureau





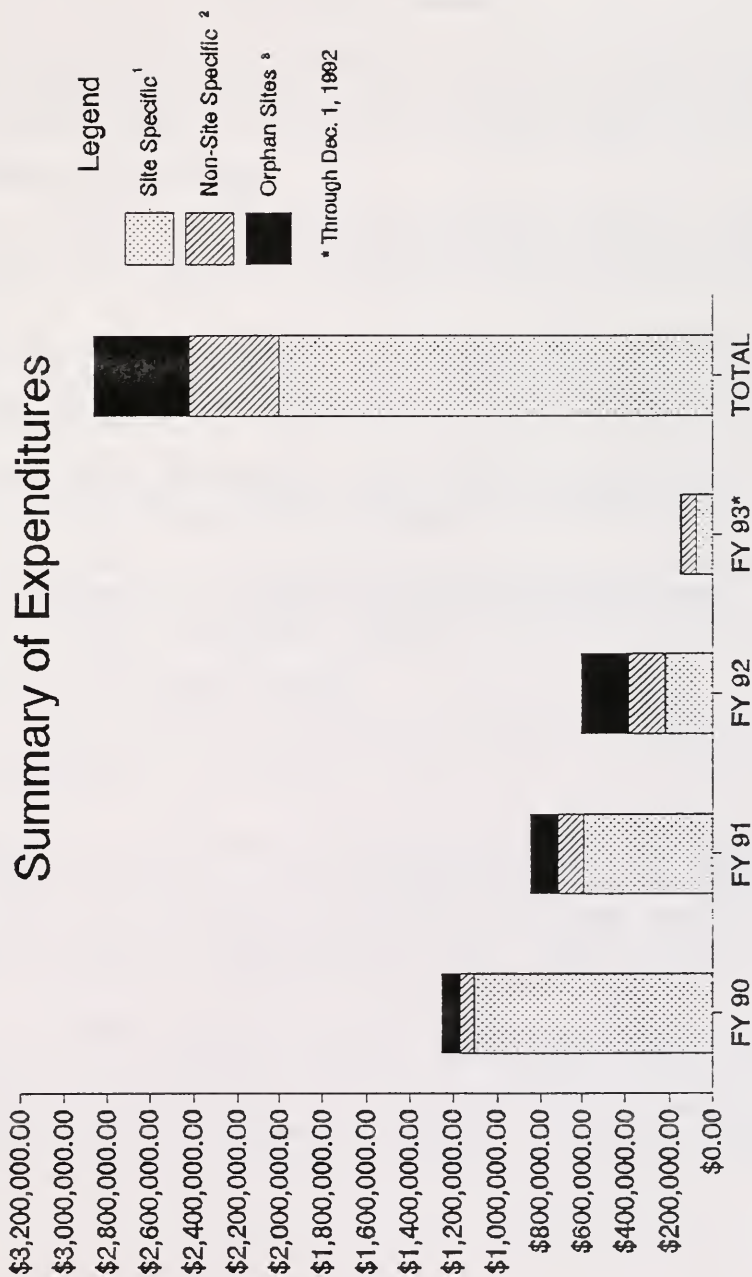
# Environmental Quality Protection Fund





# Environmental Quality Protection Fund

## Summary of Expenditures



1 Site specific costs which can be recovered from liable parties

2 Non-site specific costs which cannot be recovered

3 Orphan site costs which cannot currently be recovered because no solvent liable parties exist



## SITE ACCOUNT SUMMARY

Following is a summary of contamination problems and DHES actions at sites mentioned in Tables 1 and 2 that have involved use of the EQPF. The sites are listed in order as they appear on the EQPF financial summary tables (revenue summary table first).

### A. REVENUE ONLY ACCOUNTS

For the following site accounts, DHES expenditures were funded by a state or federal source other than the EQPF; however, revenue from CECRA cost recovery or settlement actions was deposited in the EQPF.

**National Priority List sites:** In FY90 DHES recovered past costs for DHES actions at portions of four federal Superfund sites: Anaconda, Milltown, East Helena, and the Butte Addition of the Silver Bow Creek site.

**BN Consent Decree Settlement:** In 1990 DHES and Burlington Northern (BN) signed a consent decree that provided for settlement of past costs and penalties.

**Helena Train Wreck:** In 1988 a Montana Rail Link train derailment in Helena caused soil contamination with diesel fuel and isopropyl alcohol. 1100 cubic yards of contaminated soil was treated and properly disposed in 1990.

### B. REVENUE AND EXPENSE ACCOUNTS

The following accounts involve sites for which all or part of the DHES costs funded by the EQPF have been or will be reimbursed by liable parties.

**Montana Pole:** The Montana Pole federal Superfund site on the south edge of Butte is a pole treating operation that resulted in contamination of site soils, area groundwater, and nearby surface water with diesel and pentachlorophenol. DHES has recovered past costs from two of the liable parties, ARCO and Miners Bank. ARCO completed a remedial investigation in 1992 under DHES oversight and will complete a feasibility study in 1993.

**4% of RIT - CECRA Program:** The CECRA Program receives 4% of the interest from the Resource Indemnity Trust Fund. The Program is responsible for approximately 250 sites across the state that are contaminated with hazardous substances and will eventually be investigated and, if necessary, cleaned up. Sites are addressed on a priority basis. The program attempts to identify liable



parties and make them pay for site investigation and cleanup whenever possible. Consequently, some of the expenditures from the 4% appropriation are reimbursed by liable parties. Based on past fiscal year statistics, 70% of EQPF costs can be recovered.

**Whitefish Lake:** In 1989 a BN train derailed near Whitefish Lake. Several rail cars fell into the lake and thousands of gallons of diesel fuel spilled into the lake. DHES responded to the incident using its emergency response contractor. Burlington Northern cleaned up the diesel under DHES oversight.

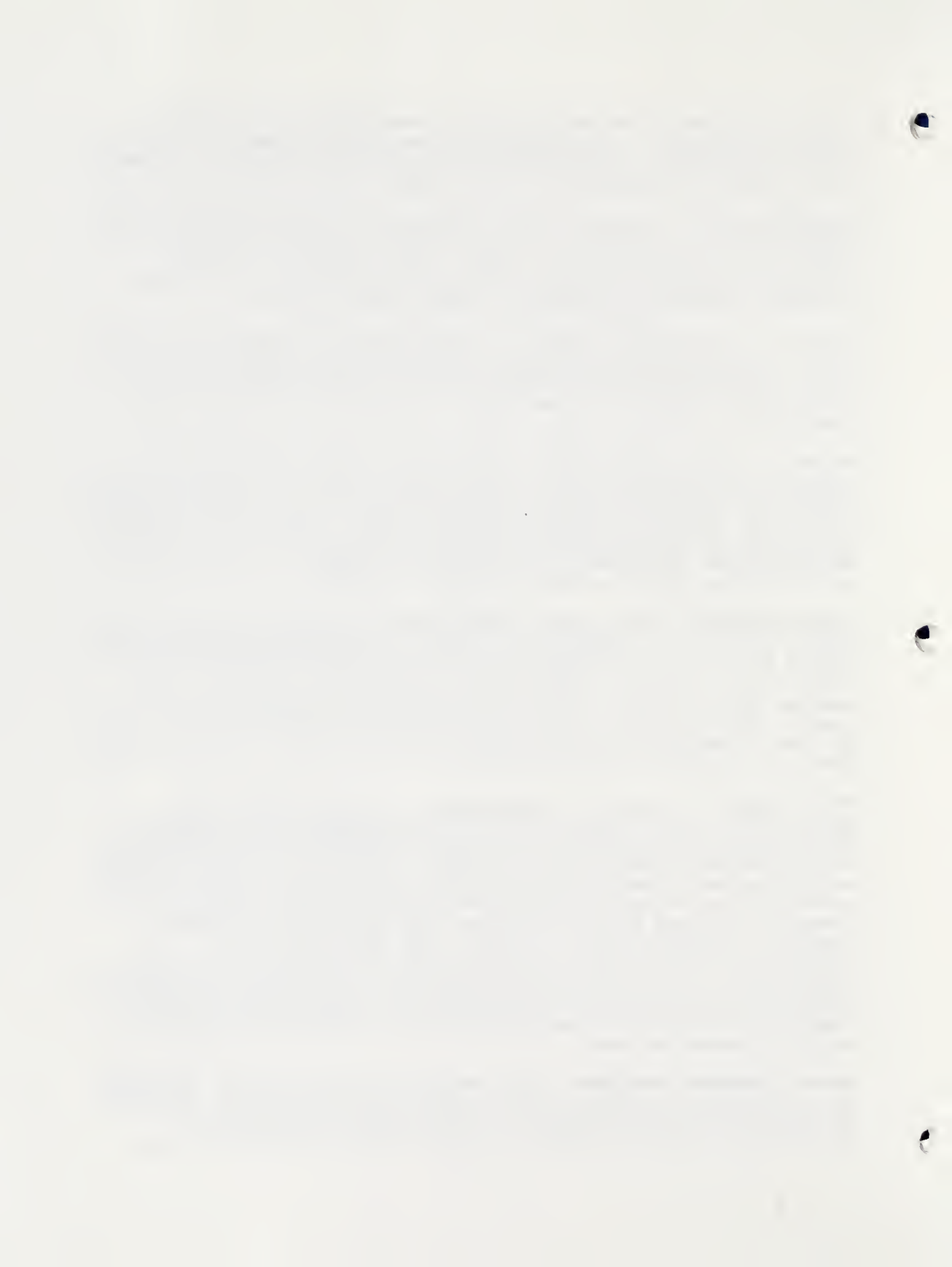
**Rocker:** In 1989 high levels of arsenic in soils were found at a wood treating plant near Rocker. DHES participated in a followup health screening study funded by ARCO. In 1989 ARCO removed 1,000 cubic yards of contaminated soil and debris under DHES oversight.

**Wiremill Road:** The Wiremill Road barrel site in Black Eagle consisted of approximately 600 leaking barrels of waste petroleum product abandoned in an open field. The U.S. Air Force sold the barrels as surplus property sometime in the 1950's. In 1989 the Department of Defense provided DHES funding to conduct a remedial investigation and cleanup of the site. Cleanup of the barrels and contaminated soils was completed in 1990.

**ARCO Oversight:** Four federal Superfund sites in the Clark Fork Basin collectively comprise the largest Superfund complex in the United States. In 1989 ARCO agreed to provide funding to DHES to cover state costs to oversee ARCO's expedited actions. This funding allows DHES to maintain the personnel necessary to monitor ARCO's studies and cleanup/removal activities. Beginning in FY92, funding for DHES costs for oversight switched from the EQPF to a special revenue account.

**BN Livingston (Cogswell & Eggleston):** In 1987 DHES began enforcement efforts against BN at the Livingston shop complex where site soils and the underlying groundwater are contaminated with petroleum products and solvents. The law firm of Cogswell and Eggleston assisted DHES with that enforcement effort, which led to a court ordered consent decree that directs the site investigation and cleanup process. BN has almost completed a remedial investigation at the site and has initiated a feasibility study aimed at identifying and evaluating cleanup alternatives. BN has conducted interim cleanup actions involving sludge removal and soil vapor extraction. Beginning in FY92, funding for DHES costs for this site switched from the EQPF to a special revenue account.

**Texaco Sunburst Refinery:** The Texaco Refinery site in Sunburst is an abandoned refinery that consists of sludge pits, lead and petroleum contaminated soils, and petroleum contaminated groundwater. In 1989 DHES and Texaco entered into a consent





order for the investigation and cleanup of the site. Texaco completed a remedial investigation under DHES oversight in 1991. Texaco will complete a feasibility study in 1993 and begin some cleanup activities in 1993.

**Big West Oil Refinery:** The Big West Oil refinery site in Kevin is an abandoned refinery that consists of sludge pits, lead and petroleum contaminated soils, and petroleum contaminated groundwater. In 1989 DHES issued a unilateral order to Flying J. and InterCity Gas for a remedial investigation and feasibility study. In 1989/90 DHES conducted a remedial investigation and constructed fencing using liable party funding. Liable parties will complete a feasibility study in 1993.

**CUT Tank Leak Site:** In 1990 the Church Universal and Triumphant (CUT) reported several leaking underground storage tanks at their property near Molheron Creek south of Livingston. DHES responded with state and contractor personnel overseeing the eventual removal of the tanks and contaminated soils. The EQPF was used for outside legal assistance. The site is still undergoing groundwater cleanup through soil vapor extraction and free product recovery. Landfarming of diesel contaminated soils was completed in 1992. Surface water and groundwater monitoring is ongoing.

**MPC Storage Yard - Butte:** In 1989/90 the Montana Power Company (MPC) conducted an environmental property assessment of its storage yard located on Montana Avenue in Butte under DHES oversight. Results indicated soil contamination with petroleum hydrocarbon compounds and possible groundwater contamination with arsenic. These results prompted further MPC investigations under DHES oversight. MPC has limited its site activities pending federal Superfund decisions in Butte that may affect the site.

**Wilsall PCB:** In 1991 DHES discovered contamination related to past salvaging activities at a ranch north of Wilsall. On-site soils are contaminated with lead, petroleum hydrocarbons, dioxin, and polychlorinated biphenyl compounds. MPC has fenced the site, relocated the on-site residences, and prepared a remedial investigation work plan. MPC is considering an interim action involving removal of contaminated soils in 1993.

**Upper Blackfoot Mining Complex:** The Upper Blackfoot Mining Complex located approximately 15 miles east of Lincoln consists of various mine sites with adits, tailings dumps, waste rock, and associated disturbed areas. Runoff has eroded tailings and other materials into the Blackfoot River. In 1992 DHES began negotiations with ASARCO and ARCO on a consent order for a remedial investigation/feasibility study. The parties were unable to reach agreement; therefore, DHES will issue a



unilateral order in 1993. ASARCO and ARCO started remedial investigation sampling activities in the summer of 1992 and intend to conduct interim actions aimed at removing and containing some of the tailings and waste piles in 1993.

**Falls Chemical:** In late 1991 a water main break at the Falls Chemical pesticide manufacturing facility in Great Falls caused the release of hazardous substances to the soils. DHES issued an interim order to BN to remove and contain chemicals at the site. BN conducted removal and containment activities in 1992 and has almost completed a remedial investigation.

**Nellie Grant:** In 1992 DHES coordinated the removal of barrels of hazardous waste at the abandoned Nellie Grant mine southwest of Helena. The Department of State Lands paid for the barrel cleanup and the site landowner has paid for DHES oversight costs.

**BN - Mission Wye:** Solvent and petroleum contaminated soils and sludges from the BN Livingston site were disposed of at the BN Mission Wye site near Livingston. BN has almost completed its remedial investigation and has initiated a feasibility study to identify cleanup alternatives. Beginning in FY92, funding for DHES costs for this site switched from the EQPF to a special revenue account.

**BN Fueling Facilities:** BN operated several fueling facilities in Montana that have contamination problems stemming from historical petroleum releases. The facilities are located in Missoula, Whitefish, Essex, Shelby, Glasgow, Jones Junction, Glendive, Laurel, Billings, Havre, Great Falls, Helena, and Butte. BN has conducted sampling activities at all these sites and fuel recovery at the sites having free product floating on the water table surface. DHES and BN are currently negotiating a consent order for investigation and cleanup activities at these sites. Beginning in FY92, funding for DHES costs for these sites switched from the EQPF to a special revenue account.

**Bozeman Solvent Site:** Soils and groundwater at the Bozeman Solvent Site are contaminated with chlorinated solvents. In 1991 DHES issued an order to liable parties to conduct an emergency removal action involving removal of a source of contamination and provision for temporary alternate water supplies. A remedial investigation/ feasibility study and provision of a permanent water supply are scheduled to begin in 1993.

**MRL - Livingston Rebuild Center:** The Livingston Rebuild Center is an operating locomotive and railroad repair facility within the boundaries of the BN Livingston site. DHES used the EQPF to conduct sampling activities at the facility.

**Precious Metals Plating Facility:** This facility located on the banks of the Blackfoot River five miles east of Bonner was the



site of metal plating operation that illegally generated and disposed of hazardous waste. In 1990 DHES discovered on-site soil and possible surface water and groundwater contamination with cyanide and heavy metals. The Department of Housing and Urban Development (HUD) contained wastes in 1990. HUD removed the contained waste to a hazardous waste disposal facility in 1991. HUD is now conducting a remedial investigation/feasibility study pursuant to a unilateral order DHES issued in 1990.

**Comet Oil:** The Comet Oil site is a closed rerefinery located approximately two miles east of Billings near the Yellowstone River. Contaminants include petroleum products, acid sludge, and heavy metals. Mountain States Petroleum is conducting a remedial investigation/feasibility study under DHES oversight pursuant to a 1991 consent order. Remedial investigation sampling activities were completed in 1991. Mountain States Petroleum plans to stabilize sludge and remove it to an industrial landfill in 1993.

**Hart Oil Refinery:** The Hart Oil Refinery is an abandoned oil refinery that has petroleum contaminated soils and groundwater. Champion International has completed the majority of a remedial investigation and is proceeding with a feasibility study. DHES is conducting the risk assessment.

**Bozeman Asbestos Site:** A 1990 DHES sampling event indicated on-site soil contamination with asbestos on Chicago Milwaukee Railroad Company (CMC) property in downtown Bozeman. A 1991 CMC investigation confirmed this contamination as well as on-site soil contamination heavy metals and petroleum hydrocarbons. CMC conducted emergency fencing and wetting actions in 1991 and asbestos abatement activities in 1992 under DHES oversight.

**Gallatin Gateway:** A 1990 DHES sampling event indicated on-site soil contamination with asbestos on Chicago Milwaukee Railroad Company (CMC) property in Gallatin Gateway. CMC conducted emergency fencing in 1991 and asbestos abatement activities in 1992 under DHES oversight.

**MRL Asbestos:** A 1990 DHES sampling event indicated on-site soil contamination with asbestos ore on Montana Rail Link (MRL) property in Bozeman. MRL conducted emergency wetting actions in 1990 and cleaned up the site in 1991 under DHES oversight.

**Bohrman's Exxon:** A 1991 DHES sampling activity at the closed Bohrman's Exxon in Ennis indicated that an unlined pit contained high concentrations of petroleum hydrocarbon and solvent contaminants. Exxon conducted further sampling activities in 1992. DHES is currently negotiating with Exxon on removal of the contaminant source in 1993.

**Clyde Park Asbestos:** A 1990 DHES investigation indicated soils and debris contaminated with asbestos along the railroad bed near





Clyde Park. MRL conducted the sampling and emergency actions requested by DHES in 1991. DHES will require cleanup as the site's priority mandates.

**Bitterroot Valley Sanitary Landfill:** A 1989 Environmental Protection Agency investigation found on-site and downgradient groundwater contaminated with chlorinated compounds at the closed Bitterroot Valley Sanitary Landfill south of Victor. EPA is evaluating the site's potential to be a federal Superfund site. Since contamination threatened drinking water, DHES required liable parties to provide an alternate water supply and conduct sampling activities. Liable parties have supplied affected residents with bottled water since 1991 and have conducted several sampling activities in 1991 and 1992. DHES is currently evaluating sampling data to determine future measures needed to be taken until the federal Superfund status of this site is decided.

**Lima UP Railroad:** A 1991 DHES investigation revealed high levels of petroleum contamination in soils at the closed Union Pacific (UP) railroad maintenance/fueling facility in Ennis. UP conducted a voluntary CECRA cleanup to background levels in late 1991 under DHES oversight.

**Petroleum Refinery:** A 1989 DHES investigation revealed petroleum contaminated soils and sludge at the abandoned Petroleum Refinery in Shelby. As a result of a fire in 1991, DHES required the site landowner to contain waste chemicals and fence sludge pits. The landowner will remove contained waste in 1993.

**Libby Mine Barrel:** A 1991 DHES investigation indicated the presence of three barrels of hazardous wastes and contaminated soils at a mine equipment site in Libby. The site landowner removed the barrels and contaminated soils to a disposal facility in 1992 under DHES oversight.

**Old Deer Lodge Prison:** In 1990 DHES discovered indoor and outdoor asbestos contamination at the Old Deer Lodge Prison. The liable party did not comply with a DHES unilateral order to perform investigation and cleanup. Consequently, DHES performed the cleanup in 1990.





**Third Street Groundwater:** A 1991 investigation of the Montana Vegetable Oil's property located on Third Street NW in Great Falls indicated the underlying groundwater is contaminated with chlorinated solvent and hydrocarbon contaminants. The property owner and neighboring Cascade County shops are currently conducting additional groundwater monitoring activities under DHES oversight.

**Davis Post & Pole Yard:** The Davis Post Yard site located in Willow Creek was a small scale wood treating facility during the 1950s. A 1992 investigation indicated a tank contained pentachlorophenol waste water and that the soil surrounding the tank was also contaminated with pentachlorophenol. Under DHES direction, the tank has been covered, the site has been fenced, and a monitoring well will be installed.

**Billings Grain Terminal:** The Billings Grain Terminal site has on-site soil contamination with pesticides and on-site groundwater contamination with solvents. In 1990 a lienholder for the site conducted a remedial investigation under DHES oversight to determine the costs/benefits of cleaning up the soil contamination before foreclosing on the property. In 1991 the lienholder declined to proceed with cleanup due to the discovery of contamination at depth. DHES will address other higher priority sites before pursuing cleanup of this site.

**Strunk Mining:** In 1992 DHES received a complaint about possible cyanide and heavy metal contamination at an abandoned gold mine near Lewistown. DHES has conducted sampling activities; results are pending.

#### C. EXPENSE ONLY ACCOUNTS

For the following accounts, costs funded by the EQPF will not be recovered.

**Arro Oil Refinery:** The Arro Oil refinery is an abandoned oil refinery located near Lewistown. The site consists of sludge pits, lead and petroleum contaminated soils, and petroleum contaminated groundwater. No viable liable parties exist for this site; therefore, DHES has primarily used Reclamation and Development Grant funds to investigate and cleanup the site. DHES used the EQPF to supplement grant funds for cleanup of lead contaminated soils and sludge pits. If solvent liable parties are identified, DHES costs can be recovered.

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<sup>1</sup> These accounts were set up under the FY93 CECRA Program Expansion funded by EQPF. MDHES has not noticed responsible parties. When responsible parties are noticed, MDHES can recover costs.



**DHES Asbestos Certification Program:** In the FY90-91 biennium, a portion of the four percent statutory appropriation for the CECRA Program was designated for start-up monies for the DHES Asbestos Certification Program. Beginning in FY92, this program has been funded by fees.

**State Superfund:** In addition to the 4% statutory appropriation of RIT interest, supplemental funding from the EQPF was provided in FY92 and FY93 to the CECRA Program to increase staff and therefore allow DHES to address more high priority sites. Expenditures for this site account are for costs that are not site-specific and therefore cannot be recovered.

